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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,986	11/12/2003	Werner Zimmermann	P7199.8US	2985
30008	7590	09/19/2006	EXAMINER	
GUDRUN E. HUCKETT DRAUDT LONSSTR. 53 WUPPERTAL, 42289 GERMANY			PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 09/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/605,986

Applicant(s)

ZIMMERMANN ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-26 is/are allowed.
- 6) ☒ Claim(s) 27 and 29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graff (U.S. Patent 1,721,903) in view of Warrick (U.S. Patent 1,457,565).

Regarding claim 27, Graff discloses at least one vehicle light housing (reference number 1) configured to be arranged on an inner side of a continuous car body (Fig. 2), wherein the car body part has perforation openings (Fig. 2, portion around lens) filled in with light transmissive material (reference number 5) in an area behind which the at least one vehicle light housing is arranged (Fig. 2), at least one illumination element arranged in the at least one vehicle light housing (Fig. 2), wherein light emitted by the at least one illumination element passes through the perforation openings when the at least one illumination element is switched on (Fig. 2). Graf does not disclose a coating.

Warrick discloses the perforation opening being coated (Fig. 1) with a coating so thick that the perforation openings cannot be detected from the exterior but allow the passage of light (page 1, lines 60-76).

Using two perforation openings is an obvious duplication of parts. Since the perforation opening is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use two perforation openings to have room for two lights.

Making the perforation openings have such a small diameter that the perforation openings cannot be seen from the exterior is considered to be an obvious variation. Since the perforation opening is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the perforation openings extremely small, since changes in size for aesthetic reasons involve only routine skill in the art. See M.P.E.P. 2144.04.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the coating of Warrick in the apparatus of Graff for aesthetical reasons.

Concerning claim 29, Graff and Warrick do not specifically disclose the color matching the car body part. It would have been obvious to one of ordinary skill in the art to match the color of the coating with the car body part, because metallic coatings are used in vehicle body paints for aesthetical purposes, and changes for aesthetics involve only routine skill in the art. See M.P.E.P. 2144.04.

Allowable Subject Matter

3. Claims 1-26 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter.

1) Regarding claims 1 and 26, Warrick discloses the coating thick enough to hide the lens but transmits light, while Foti discloses the paint on the outside of the apparatus and Dranginis (U.S. Patent 4,480,291) discloses the other elements. However, no motivation exists to combine Foti and Warrick, because the apparatus would be rendered unusable for its intended purpose.

Response to Arguments

4. Applicant's arguments filed 12 July 2006 have been fully considered but they are not persuasive.

Applicant argues that Warrick does not disclose a coating that transmits light. To the contrary, per Applicant's arguments, some light is transmitted by the coating of Warrick. See page 7 of the latest amendment, first full paragraph. Nothing in the claim states that transmitting light has to be the coating's primary purpose. Furthermore, Fig. 2 of Warrick indicates that the coating has translucent qualities, which transmits light. Since light is transmitted, the limitations of the claim are met.

Applicant argues that Graff does not disclose the light housing being on the inner side of the car body. To the contrary, the rim (reference number 2) is part of the car body and Fig. 2 shows just that element. Dome lights are part of a car body, and the perforation of the dome light is filled with light transmissive material (Fig. 2). The light is arranged behind the rim, thus meeting the element of the claim requiring that it be

behind the perforation opening. Applicant also argues that the retainer is not part of the car body. To the contrary, the retainer is part of the car; thus, it is part of the car body. Nothing in the claim requires that it be part of the vehicle chassis.

The arguments concerning the objections and the argument regarding the plurality of openings are rendered moot for the reasons stated in the rejection of claim 27 above.

The new limitation of claim 27 is considered to be obvious for the reasons stated in the rejection. (M.P.E.P. 2144.04 states that changes in size only involve routine skill in the art.)

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sep



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800